

Docket No.: PF-0475-2 DIV

REMARKS

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "Version with markings to show changes made."

In response to the Restriction Requirement, Applicants hereby elect the claims of Group II (including claims 11, 31-32, 34, and 36-43), drawn to antibodies which specifically bind to polypeptides SEQ ID NO:1, compositions comprising the antibodies, and a method of making antibodies, with traverse.

Claims directed to methods of using the claimed antibodies for diagnosing a condition or disease (i.e., claims 30, 33, and 35), for detecting a polypeptide of SEQ ID NO:1 (i.e., claim 44), and for purifying a polypeptide of SEQ ID NO:1 (i.e., claim 45), could and should be examined together with the product claims from which they depend, per the Commissioner's Notice in the Official Gazette of March 26, 1996, entitled "Guidance on Treatment of Product and Process Claims in light of *In re Ochiai*, *In re Brouwer* and 35 U.S.C. § 103(b)" which sets forth the rules, upon allowance of product claims, for rejoinder of process claims covering the same scope of products. Applicants presume these method claims will be rejoined, upon determining allowability of the product claims from which they depend.

It is also submitted that claims 1 and 56, drawn to polypeptides of the invention, could be examined along with the antibody claims without undue burden on the Examiner. A search for prior art to determine the novelty of the antibodies would substantially overlap with a search of the prior art to determine the novelty of the polypeptides specifically bound by the antibodies.

Applicants reserve the right to prosecute non-elected subject matter in subsequent divisional applications.

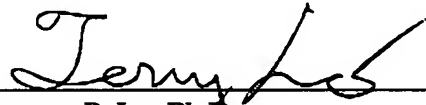
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If the Examiner contemplates other action, or if a telephone conference would expedite allowance of the claims, Applicants invite the Examiner to contact the undersigned at (650) 621-8581.

If the USPTO determines that any additional fees are due, the Commissioner is hereby authorized to charge Deposit Account No. **09-0108**.

Respectfully submitted,
INCYTE GENOMICS, INC.

Date: June 3, 2002.


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Limited Recognition (37 C.F.R. § 10.9(b)) attached
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VERSION WITH MARKINGS TO SHOW CHANGES MADE**IN THE SPECIFICATION**

The paragraph immediately following the title has been amended as follows:

This application is a divisional application of U.S. application Ser. No. 09/249,241, filed February 11, 1999, which issued on May 14, 2002 as U.S. Patent No. 6,387,613, entitled HUMAN SHORT-CHAIN DEHYDROGENASE, which is a divisional application of U.S. application Ser. No. 09/019,216, filed February 5, 1998, which issued on July 27, 1999 as U.S. Patent No. 5,928,923, entitled HUMAN SHORT-CHAIN DEHYDROGENASE. Both of these applications are hereby expressly incorporated by reference herein.

IN THE CLAIMS:

Claim 12 has been canceled, without prejudice or disclaimer.

Claims 1 and 11 have been amended as follows:

1. (Once Amended) An isolated polypeptide selected from the group consisting of:
 - a) a polypeptide comprising the amino acid sequence of SEQ ID NO:1,
 - b) a polypeptide comprising a naturally occurring amino acid sequence at least 90% identical to the amino acid sequence of SEQ ID NO:1, wherein said polypeptide has CoA dehydrogenase activity,
 - c) a [biologically active] fragment of a polypeptide having the amino acid sequence of SEQ ID NO:1, wherein said fragment has CoA dehydrogenase activity, and
 - d) an immunogenic fragment of a polypeptide having the amino acid sequence of SEQ ID NO:1, wherein said fragment comprises at least 15 contiguous amino acid residues of SEQ ID NO:1.

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11. (Once Amended) An isolated antibody which specifically binds to a polypeptide selected from the group consisting of:

- a) a polypeptide comprising the amino acid sequence of SEQ ID NO:1,
- b) a polypeptide comprising a naturally occurring amino acid sequence at least 90% identical to the amino acid sequence of SEQ ID NO:1, wherein said polypeptide has CoA dehydrogenase activity.
- c) a [biologically active] fragment of a polypeptide having the amino acid sequence of SEQ ID NO:1, wherein said fragment has CoA dehydrogenase activity, and
- d) an immunogenic fragment of a polypeptide having the amino acid sequence of SEQ ID NO:1, wherein said fragment comprises at least 15 contiguous amino acid residues of SEQ ID NO:1.

New claim 58 has been added as follows:

58. (New) An isolated antibody which specifically binds to a polypeptide selected from the group consisting of:

- a) a polypeptide consisting of the amino acid sequence of SEQ ID NO:1, and
- b) an immunogenic fragment of a polypeptide consisting of the amino acid sequence of SEQ ID NO:1, wherein said fragment comprises at least 15 contiguous amino acid residues of SEQ ID NO:1.